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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER BRUCKART, BENJAMIN R	
			ART UNIT 2155	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/811,584

Applicant(s)

YAMADA ET AL.

Examiner

Benjamin R. Bruckart

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4,8,9,11,12,15,16 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4,8,9,11,12,15,16 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20070730
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

Status of Claims:

Claims 3, 4, 8, 9, 11, 12, 15, 16, 19-21 are pending in this Office Action.

Claims 1-2, 5-7, 10, 13-14, 17-18 remain cancelled.

Claims 3, 4, 8, 9, 18, 19 are amended.

Claim 21 is new.

Information Disclosure Statement

The information disclosure statement filed 7/30/07 has been considered.

Response to Arguments

Applicant's arguments filed in the amendment filed 7/30/07, have been fully considered but are moot in view of new grounds of rejection. The reasons are set forth below.

Applicant's invention as claimed:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No 6,421,777 by Pierre-Louis et al (herein after "PL").

Regarding claim 19, a method for automatically setting an environment of a client computer in a client/server system (PL: col. 1, line 66- col. 2, line 14), comprising:

instructing an agent residing on the client to install data on the client according to a reading of a script residing on the server wherein said server includes a manager issuing a client switching instruction instructing said client to boot locally or remotely (PL: col. 6, lines 21-30, 42-58; bios=agent; bootstrap=script).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Patent No 6,421,777 by Pierre-Louis et al (herein after "PL").

Regarding claim 20, the Seli reference teaches an apparatus for setting an environment of a client in a client/server system (Seli: col. 6, lines 53-67), said apparatus comprising:

a first unit recognizing that replacement of a hard disk of a client is performed (Seli: col. 11, lines 31-42; col. 13, lines 5-32);

a second unit that installs data (Seli: col. 11, lines 31-42; col. 13, lines 5-32), which is backed up from said hard disk provided in a said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof, said data being installed on said client by an agent residing on said client according to a reading

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of an execution script residing on the server (Seli: col. 12, lines 50-63; col. 2, lines 65- col. 3, line 4).

The Seli reference fails to teach the server issuing a client switching instruction.

However, the PL reference teaches a server includes a manager issuing a client switching instruction instructing said client to boot locally or remotely (PL: col. 6, lines 21-30, 42-58; bios=agent; bootstrap=script) in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of setting an environment of a client as taught by Seli to include server switching for local or remote boots as taught by PL in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

Regarding claim 21, a method for setting an environment of a client in a client/server system (Seli: col. 6, lines 53-67), comprising:

downloading backup data to said client from said server (Seli: col. 2, lines 65-col. 3, line 4).

The Seli reference fails to teach the server issuing a client switching instruction.

However, the PL reference teaches

issuing a client switching instruction from said server wherein said client switching instruction instructs said client to boot from said server (PL: col. 6, lines 21-30, 42-58);

issuing a client switching instruction from said server wherein said client switching instruction instructs said client to boot from said client (PL: col. 6, lines 21-30, 42-58; bios=agent; bootstrap=script) in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of setting an environment of a client as taught by Seli to include server switching for local or remote boots as taught by PL in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

Claims 3, 8, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,209,089 by Selitrennikoff et al (“herein referred to as Seli”) in view of U.S. Patent No 6,421,777 by Pierre-Louis et al (herein after “PL”) in further view of U.S. Publication No. 2002/0156965 by Gusler et al.

Regarding claim 3, the Seli reference teaches an apparatus for setting environment of a client in a client/server system (Seli: col. 6, lines 53-67), said apparatus comprising:

- a unit recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51- col. 3, line 4); and

- a unit that installs data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65), said data being installed on said client by an agent residing on said client according to a reading of an execution script residing on the server (Seli: col. 12, lines 50-63; col. 2, lines 65- col. 3, line 4), wherein:

- a plurality of kinds of data are prepared in said server as the backed-up data (Seli: col. 2, lines 65- col. 3, line 4), one of the plurality of kinds of data is selected (Seli: col. 9, lines 3-10; lines 38-42), the selected one kind of data comprising data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7),

- the selected one kind of data is then installed in said client (Seli: col. 9, lines 3-10).

The Seli reference fails to teach the server issuing a client switching instruction.

However, the PL reference teaches wherein said server includes a manager issuing a client switching instruction instructing said client to boot locally or remotely (PL: col. 6, lines 21-30, 42-58) in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of setting an environment of a client as taught by Seli to include server switching for local or remote boots as taught by PL in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

The modified Seli reference fails to teach using a log.

However, the Gusler reference teaches a unit keeping a log of processing performed on said client (Gusler: page 3, para 36; para 39) and periodically acquiring the selected one kind of data from said client before said replacement (Gusler: page 1, para 5) in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by modified Seli to include periodically updating and a log as taught by Gusler in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

Regarding claim 11, the modified Seli reference teaches the apparatus for setting the environment of a client in a client/server system according to claim 3.

The modified Seli reference fails to teach a log.

However, the Gusler reference teaches a server has a unit keeping a log of processing performed on said client (Gusler: page 3, para 36; para 39) in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli to include periodically updating and a log as taught by Gusler in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

Regarding claim 8, the Seli reference teaches a method for setting the environment of a client in a client/server system (Seli: col. 6, lines 53-67), said method comprising:

recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51-col. 3, line 4); and

installing data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65), said data being installed on said client by an agent residing on said client according to a reading of an execution script residing on the server (Seli: col. 12, lines 50-63; col. 2, lines 65- col. 3, line 4), wherein:

a plurality of kinds of data are prepared in said server as the backed-up data (Seli: col. 2, lines 65- col. 3, line 4),

one of the plurality of kinds of data is selected (Seli: col. 9, lines 3-10; lines 38-42),
the selected one kind of data comprising data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7);

the selected one kind of data is then installed in said client (Seli: col. 9, lines 3-10).

The Seli reference fails to teach the server issuing a client switching instruction.

However, the PL reference teaches wherein said server includes a manager issuing a client switching instruction instructing said client to boot locally or remotely (PL: col. 6, lines 21-30, 42-58) in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of setting an environment of a client as taught by Seli to include server switching for local or remote boots as taught by PL in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

The modified Seli reference fails to teach using a log.

However, the Gusler reference teaches a unit keeping a log of processing performed on said client (Gusler: page 3, para 36; para 39) and periodically acquiring the selected one kind of data from said client before said replacement (Gusler: page 1, para 5) in order to effectively

backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by modified Seli to include periodically updating and a log as taught by Gusler in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

Claims 4, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Patent No. 6,421,777 by Pierre-Louis et al (herein after "PL") in further view of U.S. Patent No. 6,487,718 by Rodriguez et al.

Regarding claim 4, the Seli reference teaches an apparatus for setting environment of a client in a client/server system (Seli: col. 6, lines 53-67), said apparatus comprising:

- a unit recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51- col. 3, line 4); and

- a unit that installs data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65), said data being installed on said client by an agent residing on said client according to a reading of an execution script residing on the server, wherein said server includes a manager issuing a client switching instruction instructing said client to boot locally or remotely (Seli: col. 12, lines 50-63; col. 2, lines 65- col. 3, line 4), wherein:

- a plurality of kinds of data are prepared in said server as the backed-up data (Seli: col. 2, lines 65- col. 3, line 4), one of the plurality of kinds of data is selected (Seli: col. 9, lines 3-10; lines 38-42), the selected one kind of data comprising data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7),

- the selected one kind of data is then installed in said client (Seli: col. 9, lines 3-10).

The Seli reference fails to teach the server issuing a client switching instruction.

However, the PL reference teaches wherein said server includes a manager issuing a client switching instruction instructing said client to boot locally or remotely (PL: col. 6, lines 21-30, 42-58) in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of setting an environment of a client as taught by Seli to include server switching for local or remote boots as taught by PL in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

The modified Seli reference fails to teach updating to the latest version.

However, the Rodriquez reference teaches updating to the latest version (Rodriquez: col. 6, lines 59- col. 7, line 18) in order to overcome the problem of having an installer or technician to physically travel to the client (Rodriquez: col. 7, lines 6-17).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by modified Seli to include updating to the latest version as taught by Rodriquez in order to eliminate the need for personnel to physically travel to the client (Rodriquez: col. 7, lines 6-17).

Regarding claim 9, a computer readable program recording medium for recording a program causing a computer to set the environment of a client in a client/server system (Seli: col. 6, lines 53-67), by:

recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51-col. 3, line 4); and

installing data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65), wherein:

a plurality of kinds of data are prepared in said server as the backed-up data (Seli: col. 2, lines 65- col. 3, line 4), one of the plurality of kinds of data is selected (Seli: col. 9, lines 3-10; lines 38-42), the selected one kind of data comprising data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7), said data being installed on said client by an agent residing on said client according to a reading of an execution script residing on the server, (Seli: col. 12, lines 50-63; col. 2, lines 65- col. 3, line 4), wherein:

the selected one kind of data is then installed in said client (Seli: col. 9, lines 3-10).

The Seli reference fails to teach the server issuing a client switching instruction.

However, the PL reference teaches wherein said server includes a manager issuing a client switching instruction instructing said client to boot locally or remotely (PL: col. 6, lines 21-30, 42-58) in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of setting an environment of a client as taught by Seli to include server switching for local or remote boots as taught by PL in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

The modified Seli reference fails to teach updating to the latest version.

However, the Rodriquez reference teaches updating to the latest version (Rodriquez: col. 6, lines 59- col. 7, line 18) in order to overcome the problem of having an installer or technician to physically travel to the client (Rodriquez: col. 7, lines 6-17).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by modified Seli to include updating to the latest version as taught by Rodriquez in order to eliminate the need for personnel to physically travel to the client (Rodriquez: col. 7, lines 6-17).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Patent No. 6,421,777 by Pierre-Louis et al (herein after "PL") in further view of U.S. Patent No.

6,487,718 by Rodriguez et al in further view of U.S. Publication No. 2002/0156965 by Gusler et al.

Regarding claim 12, the modified Seli reference teaches the apparatus for setting the environment of a client in a client/server system according to claim 4.

The modified Seli reference does not explicitly state using a log.

However, the Gusler reference has a unit keeping a log of processing performed on said client (Gusler: page 3, para 36; para 39) in order to effectively backing up computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by modified Seli and Rodriguez to include a log as taught by Gusler in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Publication No. 2002/0156965 by Gusler et al in further view of U.S. Patent No. 5,133,065 by Cheffetz.

Regarding claim 15, the modified Seli reference teaches the apparatus for setting the environment of a client in a client/server system with a log according to claim 3.

The modified Seli reference mentions backing up and recovering file data but do not explicitly state documents.

However, the Cheffetz reference teaches wherein said client periodically sends document data to said server (Cheffetz: col. 5, lines 20-26; col. 3, lines 60-68; col. 1, lines 30-44) in order to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allows incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server with a log as taught by modified Seli to include periodically sending document data as taught by Cheffetz in

order to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allow incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,209,089 by Selitrennikoff et al (“herein referred to as Seli”) in view of U.S. Patent No. 6,421,777 by Pierre-Louis et al (herein after “PL”) in further view of U.S. Patent No. 6,487,718 by Rodriguez et al in further view of U.S. Patent No. 5,133,065 by Cheffetz.

Regarding claim 16, the modified Seli reference teaches the apparatus for setting the environment of a client in a client/server system with a log according to claim 4.

The modified Seli reference fails to teach documents.

However, the Cheffetz reference teaches wherein said client periodically sends document data to said server (Cheffetz: col. 5, lines 20-26; col. 3, lines 60-68; col. 1, lines 30-44) in order to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allows incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server with a log as taught by modified Seli to include sending document data as taught by Cheffetz in order to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allow incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

REMARKS

Applicant has made a minor amendment to the broad claims. Applicant makes a set of changes with arguments directed to a limitation about the newly presented amendment in the instant case “wherein said server includes a manager issuing a client switching instruction instructing said client to boot locally or remotely” but then includes that limitation in an even broader context. The limitation is directed to PXE type of architecture (applicants remarks page 7), which was well known at the time of the invention.

Prior Art

U.S. Patent No. 6,735,692 by Murphrey et al teaches PXE execution in a network environment for load balancing image files to be sent to clients upon boot up execution.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 9:00-5:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin R Bruckart
Examiner
Art Unit 2155

brb


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER